

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:02-cr-00387-LRH-PAL
)	2:05-cv-00244-LRH-GWF
Plaintiff,)	
)	<u>MINUTES OF THE COURT</u>
vs.)	
)	January 14, 2008
MICHAEL JAMES WILSON,)	
)	
Defendant.)	
_____)	

PRESENT:

THE HONORABLE LARRY R. HICKS, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: ROSEMARIE MILLER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

The Court Clerk has brought to the court's attention Defendant's Motion to Vacate, Set Aside or Correct Sentence Pursuant to Title 28 U.S.C. § 2255 (6)(3) (#37¹).

The Defendant's motion was based upon the United States' Supreme Court's decision in *Blakely v. Washington* and was filed in February 2005. It appears to have been brought and filed without an appreciation of the then recent decision by the United States Supreme Court in *United States v. Booker*, 543 U.S. 220 (2005), which held to the effect that sentencing enhancements under the Sentencing Guidelines are facts for sentencing judges to consider in their discretion and that appellate review of sentencing would thereafter fall under a reasonableness standard.

The sentencing imposed upon the Defendant in this case was decided by this court with reference to the enhancements authorized by the Sentencing Guidelines, the court found them to be clearly applicable, and the sentence imposed by the court was decided in conformity with Title 18 U.S.C. § 3553 (a).

Good cause appearing, the Defendant's Motion to Vacate (#37) is DENIED.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk

¹Refers to the court's docket number.